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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,890	11/26/2003	Ruediger Duwendag	P69279US0	5986
136	7590	03/29/2005	EXAMINER	
JACOBSON HOLMAN PLLC			EDWARDS, LAURA ESTELLE	
400 SEVENTH STREET N.W.			ART UNIT	
SUITE 600			PAPER NUMBER	
WASHINGTON, DC 20004			1734	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/721,890

Applicant(s)

DUWENDAG ET AL.

Examiner

Laura Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-18 is/are allowed.
- 6) ☒ Claim(s) 9-14, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

Claims 9-14, 19, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, lines 9-12, it is unclear what is meant by the phrase, “drive mechanisms assigned to said rollers, said drive mechanisms including a drive motor adjusts a circumference speed of said metering roller”. It is unclear how plural drive mechanisms exist but only a single drive motor is claimed. Clarification is necessary.

In claim 11, it is unclear how this claim further structurally limits the past unit of claim 9 when it already is designated to have a drive mechanism or drive motor.

In claim 19, page 11, lines 9-10, it is unclear what is meant by the phrase “said circumference speed to a circumference speed of said glue application roller”. In the first instance, it is unclear as to what roller speed is being referred to, the glue application roller circumference speed?

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida et al (US 4,378,390).

Yoshida et al teach an apparatus for applying a coating material to a substrate comprising an epoxy resin or glue source (301; see col. 4, lines 30-38), a metering roller (303), which is connected with the glue source, an application roller (304), which may be connected to the glue source, a making roller (305) which is connected to the glue application roller (304), and which transfers glue from this roller (2) to an article whereby independent drive means or motors (see col. 6, lines 50-55) are assigned to the rollers such that the circumferential speed of each roller can be controlled independently of one another. Applicants' intended use of the apparatus for applying glue to a specific article, bottom warps or star seal bottom bags, while considered, has been given no patentable weight. The teachings of Yoshida et al structurally anticipate the claimed invention because all the structural limitations are clearly met.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al (US 4,378,390).

The teachings of Yoshida et al have been mentioned above but Yoshida et al are silent concerning a drive motor having a power controller. However, it would have been obvious to one of ordinary skill in the art to provide each independent drive or drive motor a separate power controller so as to prevent power overload or failure. It is within the purview of one skilled in the art to provide a power controller for each drive means so as to control the speed of a given roller in the application of glue to the substrate.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al (US 4,378,390) in view of Hayasaka et al (US 5,972, 167).

The teachings of Yoshida et al have been mentioned above but Yoshida et al are silent concerning the metering roller being reversibly rotatable. However, it was known in the art, at the time the invention was made, to provide a reversible rotating roll when higher metering or smoothing is desired in a coating arrangement as evidenced by Hayasaka et al (see col. 6, lines 12-14). It would have been obvious to one of ordinary skill in the art to provide a reversible metering roller as taught by Hayasaka et al in the Yoshida et al apparatus in order to provide for higher metering or smoothing of the viscous coating material or epoxy before it is applied to the article.

Allowable Subject Matter

Claim 19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 13, 14, and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 15-18 would be allowable.

Claims 13 and 14 would be allowable because there is no teaching or suggestion in the prior art of a paste unit for a bottom guide device for gluing of bottom warps or star seal bottom bags comprising the combination of a glue reservoir; a metering roller connected with the glue reservoir; a glue application roller adjacent the metering roller; a making roller connected to the glue application roller which transfers glue from said glue application roller to the bottom warps or the star seal bottoms; and drive mechanisms assigned to said rollers, said drive mechanisms including drive motors for adjusting circumference speeds of said metering roller independently of said glue application roller and making roller for controlling a glue application amount, and wherein the drive mechanisms are activated by a control device that adjusts, responsive to glue application amounts or changes in glue application amounts, circumference speeds of the metering, glue application, and making rollers and aligns them to one another.

Claims 15-18 would be allowable because there is no teaching or suggestion in the prior art of a method for controlling a glue application amount for a paste unit of a bottom guide device for gluing bottom warps or star seal bottoms and including a glue reservoir, metering roller connected to the glue reservoir, glue application roller which may be connected the glue reservoir, and a making roller connected to the glue application roller which transfers glue from the glue application roller to the bottom warps or to the star seal bottoms, said method comprising the combined steps of assigning drive mechanisms to the metering roller, the glue application roller and making roller, and varying a ratio of circumference speeds of the glue application roller and the making roller for controlling the glue application amount.

Claims 19 and 20 would be allowable because there is no teaching or suggestion in the prior art of a method for controlling a glue application amount for a paste unit of a bottom guide

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device for gluing bottom warps or star seal bottoms and including a glue reservoir, a metering roller connected to the glue reservoir, glue application roller adjacent the glue reservoir, a making roller connected to the glue application roller which transfers glue from the glue application to the star seal bottoms, and drive mechanisms assigned to the rollers the method comprising the step of adjusting a circumference speed of said metering roller independently of said glue application roller and said making the rollers, such that a ratio of the circumference speed to a circumference speed of said glue application roller is varied for controlling a glue application amount.

Response to Arguments

Applicants' arguments filed 12/22/04 have been fully considered but they are not persuasive.

Applicants contend that Yoshida fails to teach or suggest independently controlling the circumference speed of the metering roller, application roller, and making roller for controlling the glue application amount. This argument is not deemed persuasive because Yoshida et al provide sufficient evidence that the speed of each of the rollers is capable of being independently controlled or driven as evidenced by col. 6, lines 50-55. One skilled in the art would recognize that the speed of a coating roller affects coating thickness such that inherently, the Yoshida device in having independent drive or control over a roller speed would facilitate control of a desired coating thickness on the substrate. Yoshida recognizes that the rotational speed of a roller affects coating thickness as evidenced by col. 6, lines 15-19. Yoshida remains to anticipate the claimed invention because all structural limitations of the claimed paste unit are met.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura Edwards
Primary Examiner
Art Unit 1734

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March 23, 2005